

**Illinois Department of Revenue  
Regulations**

<b>Title 86 Part 130 Section 130.501 Monthly Tax Returns--When Due--Contents</b>
--

**TITLE 86: REVENUE**

**PART 130  
RETAILERS' OCCUPATION TAX**

**SUBPART E: RETURNS**

**Section 130.501 Monthly Tax Returns--When Due--Contents**

- a) Except as provided in Sections 130.502, 130.510 and 130.2045, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department for such preceding month, stating the name of the seller; his residence address and the address of his principal place of business, and the address of the principal place of business (if that is a different address) from which he engaged in the business of selling tangible personal property at retail in this State.
- b) In addition, the return shall disclose the following:
  - 1) Total Receipts for the Month from Sales of Tangible Personal Property and Services. Real estate builders and construction contractors, who are also retailers, and who assume the responsibility for accounting for the tax on building materials which they purchase, must include, in total receipts, not only their receipts from "over-the-counter" resales of such materials, but also their cost prices of such materials which they convert into real estate (see Section 130.2075 of this Part). This may be accomplished in the case of a construction contractor by including his receipts from construction contracts in total receipts and by deducting such receipts from total receipts only to the extent to which such receipts exceed the cost price to the contractor of the tangible personal property which he incorporates into real estate as a construction contractor.
  - 2) Deductions Allowed by Law

The taxpayer should include in his total receipts, but should deduct before computing the amount of tax:

    - A) taxes collected from sales of the following:
      - i) general merchandise retail sales,
      - ii) general merchandise service sales,
      - iii) food, drugs and medical appliances retail sales,
      - iv) food, drugs and medical appliances service sales.
    - B) receipts from sales of tangible personal property for purposes of resale in any form as tangible personal property (see Subparts B and N of this Part);
    - C) receipts from sales which are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);

- D) cash refunds for returned merchandise (see Section 130.401 of this Part);
  - E) receipts from the sales of newspapers and magazines (see Section 130.2105 of this Part);
  - F) State motor fuel taxes collected;
  - G) the exempt percentage of the receipts from sales of gasohol (see Section 130.320 of this Part);
  - H) receipts from sales of any kind to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age and older (see Section 130.2005 of this Part);
  - I) receipts from sales of any kind to a governmental body (see Section 130.2080 of this Part);
  - J) receipts from nontaxable sales of service;
  - K) any other deduction allowed by law, such as receipts from isolated or occasional sales (see Subpart A of this Part); Federal taxes that are imposed at the level of the retail sale, but not Federal excise taxes on manufacturers, etc. (see Section 130.445 of this Part), etc;
  - L) total of all deductions allowed by law.
- 3) Total Taxable Receipts which are obtained by subtracting deductions from total receipts.
- 4) The Amount of Tax Due
- A) An allowance to reimburse the taxpayer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request in the amount of 1.75% of tax due may be subtracted from the amount of tax due. The minimum discount, over the entire period of any given calendar year, for any single taxpayer (if the taxpayer incurs that much tax liability) shall be \$5.00 for such calendar year. This allowance is available when the tax is remitted with a return that is filed when due under the Act, but is not available in any case in which the tax is paid late (with or without a return, and whether formally assessed by the Department or not). In the case of retailers who report and pay the tax on a transaction by transaction basis, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return;
  - B) Balance of Tax Due
    - i) The return should also show the amount of penalty (if any) that is due, the total of the tax and penalty due, and such other reasonable information as the Department may require.
    - ii) *If a total amount of less than \$1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to \$1 if it is 50 cents or more. Any amount which is required to be shown or reported on any return or other document*

*under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents (Section 3 of the Act).*

- iii) *The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the last day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the last day of the following calendar month, stating:*

*the name of the seller;*

*the address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;*

*the total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;*

*the amount of credit provided in Section 2d of this Act;*

*the amount of tax due;*

*the amount of penalty due, if any; and*

*such other reasonable information as the Department may require. (Section 3 of the Act)*

- c) Returns must be signed by the taxpayer. If a taxpayer fails to sign a return within 30 days after proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

(Source: Amended at 20 Ill. Reg. 6991, effective May 7, 1996)